

TOWN OF WESTFORD

PLANNING BOARD

MINUTES

DATE: March 1, 2004

TIME: 7:30 P.M.

PLACE: Westford Academy Choral Room

PRESENT: Peter Fletcher, Andrea Peraner-Sweet, Michael Green,
Robert Shaffer, Fred Palmer

OTHERS

PRESENT: Tim Greenhill-Town Planner, Norman Khumalo-Assistant
Town Manager, James Arsenault-Town Engineer, Audience
Members

OPEN FORUM

FY05 Budget - Palmer asked Greenhill what the remaining balance is in the Planning Board FY03/04 budget. Palmer was concerned that the \$50,000 appropriation being requested at Annual Town Meeting may not be adequate for the consultants relative to the Master Plan Implementation Committee. Greenhill reported that the balance of the MPIC line item is \$10,000. Palmer asked that any remaining money get rolled over into the FY05 budget to cover any shortfall.

Texaco Drainage, Route 40 - Green asked Greenhill for a status report regarding the Texaco gas station on Route 40. Greenhill reported that the Texaco has been notified in writing by the Assistant Town Engineer regarding the violation of the site plan. Greenhill stated that Texaco has removed some trench drains and piped over them. The Assistant Town Engineer has informed Texaco that the trench drains need to be reinstalled as soon as possible. No response has been made by Texaco to date. Greenhill will follow up with Texaco on Tuesday, March 2, 2004.

Comprehensive Economic Development Strategy - Shaffer reported that on Wednesday, February 25, 2004 he and Palmer attended the Northern Middlesex Council of Governments (NMCOG) presentation regarding the Comprehensive Economic Development Strategy to review the executive summary.

Westford Swim and Tennis – Attorney Douglas Deschenes was present representing the Westford Racquet & Fitness Club located at 4 Littleton Road. Deschenes reported that in 1984 and 1988 Mike Sheehan received site plan approval to expand various areas of the facility. Sheehan expanded the parking areas and put in the foundations for the various additions. The actual construction did not begin until 1998 when a building permit was obtained. That building permit lapsed in 2000/2001. Deschenes stated that as part of obtaining the building permit the Planning Department and Board of Health had concerns regarding whether the on-site septic system would be sufficient for the entire site with the additions. Deschenes stated that in 1998 it was agreed that Sheehan would only construct a 1,500 sq. ft. entranceway in front of the building. Deschenes stated that Sheehan has applied for a new building permit for the proposed entranceway. Deschenes stated that originally the building was approved for corrugated metal siding. Deschenes stated that Sheehan does not want to place corrugated metal siding on the addition but would rather have brick to match the front of the building. The Board was in favor of brick. Green asked Deschenes to provide a copy of revised plans for the Board's review so that the Board could vote on the administrative change at the next meeting. Deschenes agreed to provide the plan.

DISCUSSION ITEM – WEETAMOO

Weetamoo Way, Dean Korovos

Dean Korovos, owner of Weetamoo Estates, was present seeking input from the Board regarding his options relative to the property. Korovos outlined the options presented in a letter to the Board concerning conventional development, a large 40B affordable housing development, a smaller 40B affordable housing development, or a flexible development plan. Shaffer suggested that the Board conduct a site walk before discussing the options. The Board concurred. Shaffer was concerned with the slope, drainage and the access. Korovos stated that he is very flexible as to where the houses can be located in order to accommodate drainage and the infrastructure. Peraner-Sweet asked Korovos to provide preliminary plans setting out the grades, wetlands, etc., for the site walk. Staff to schedule the site visit.

PUBLIC HEARING – 27 CARLISLE ROAD – SITE PLAN REVIEW – SPECIAL PERMIT WRPD

27 Carlisle Road, Mack Technology, Inc., Continued from February 17, 2004

Greenhill suggested that the location of the liquid nitrogen pad be 55 feet away from all windows and entrances. The applicant will need to address Greenhill's suggestion. Neil Donga, Mack Technologies, submitted an Environmental

Study which addressed all pertinent regulations and setbacks for utilities, an addendum to the Risk Assessment, and a letter from Mack Technologies which addressed safety. Donga summarized the submitted documentation. The delivery schedule for the liquid nitrogen will be Monday through Friday, 7:00 a.m. to 5:00 p.m. (current schedule).

It was moved by Peraner-Sweet, seconded by Shaffer, and VOTED UNANIMOUSLY, to close the public hearing.

Shaffer asked Donga to provide information regarding the oxygen sensor as soon as possible. Staff to incorporate all conditions, including safety issues and the emergency door, for approval for the Board's review on March 15, 2004. The public hearing was continued to March 15, 2004 at 7:35 p.m. The applicant to provide an extension.

PUBLIC HEARING – PRELIMINARY SUBDIVISION – 52 FLAGG ROAD
52 Flagg Road, Mark Jenkins

Continued to March 29, 2004 at 7:50 p.m. at the request of the applicant.

DISCUSSION ITEM – ROLLING MEADOWS
Middlesex Corporation, Dave Skerrett

Continued to March 15, 2004 at 7:40 p.m. at the request of the applicant.

PUBLIC HEARING, CONTINUED, CHANGES TO THE SUBDIVISION RULES
AND REGULATIONS 2003/2004
Continued from February 23, 2004

The Board reviewed the *PROPOSED PLANNING BOARD/SUBDIVISION CHANGES 2003 Prepared by the Highway/Engineering Department*, page 2 of 14, Performance Guaranty.

It was moved by Green, seconded by Peraner-Sweet, and VOTED UNANIMOUSLY, to accept Section 218-11-F in the Proposed Planning Board Subdivision Changes 2003 document dated 02/27/04.

The public hearing was continued to March 29, 2004 at 8:00 p.m.

MISCELLANEOUS:

Performance Bond Establishment – Kindercare – Matt Taylor, representing Kindercare, was present. Taylor questioned the wording of “subdivision” and asked that it be reworded. Taylor estimated the completion time for the project to be within the next four to five months. Greenhill reported that Town Counsel commented that the Board is not attaching the performance bond to a subdivision and suggested revising the language to refer it the Guaranty Summary Sheet as supplied by the Engineering Department.

Taylor stated that he would work with Greenhill regarding the language.

It was moved by Green, seconded by Peraner-Sweet, and VOTED UNANIMOUSLY, to establish a bond for Kindercare Learning Center in the amount of \$138,367.98.

It was moved by Green, seconded by Peraner-Sweet, and VOTED UNANIMOUSLY, to establish said bond half cash and half performance bond, half being \$69,183.99.

PUBLIC HEARING – WESTFORD TECH PARK WEST – SITE PLAN REVIEW, SPECIAL PERMITS

Concord/Power Roads, Westford West Realty Trust, Gutierrez, Continued from February 2, 2004

Doug Fainelli of Gutierrez, Mike Hall, Project Manager from Rizzo Associates, and Ron Desrosiers, MDM Transportation were present. Hall asked to discuss with the Board the proposed mitigation for the project for both the connector road and the Route 110 improvements. Hall presented the Traffic Mitigation Cost Estimate Summary – Route 225 Connector Road, Stage I, Stage II, Stage III, Stage IV, Stage V, Stage VI, and Non-Critical Area Improvements. Hall presented the Traffic Mitigation Cost Estimate Summary – Route 110 Improvements, Stage I, Stage II, Stage III, and Stage IV.

Green asked for information regarding the number of vehicles that can be accommodated in the left-hand turn lane into 310 Littleton Road. Hall to provide that information. Green felt that firmer commitments were needed from Mass Highway regarding the Route 110/Power Road improvements. Palmer suggested taking the mitigation earmarked for Stage III and incorporating it into Stage II so that there is a driveway into Building 3 which will address the problems associated with 310 Littleton Road.

Shaffer reported that he and Palmer met with representatives of Gutierrez and the Town on Friday, February 27, 2004. Shaffer stated that one of his concerns discussed at that meeting was the impact on the traffic coming out of the Netscout driveway in the later stages of the six stage plan. Shaffer stated that Police details and how much that would add to the costs were also discussed at that meeting. Shaffer pointed out that the road would be opened several times and suggested some type of stubbing of Segment A (Stage III and IV) in order to not go up into the roadway and to reduce the impact on the traffic on Route 110 during the construction. Hall stated that they will require a permit from Mass Highway and that they will be limited in the hours of work. Hall stated that he would look into Shaffer's suggestion.

Green stated that he wanted to understand what, if any, would be the Town's responsibility regarding landscaping. Fainelli stated that he would review the landscaping and report back to the Board.

Kate Hollister, 25 Vine Brook Road, asked for clarification on the stages. Hall stated that because of the expense of the connector road there are six segments. Hall reiterated the stages as presented earlier in the meeting.

Peter Ewing, Old Homestead Road, asked for the length of time between stages. Hall stated that when the buildings come online, there would be a linked mitigation improvement to go along with the building. Ewing asked if it was possible to move the mitigation forward in order to get better levels of service.

Peraner-Sweet suggested that the Board needs to think about how this will be staged and if there are any performance standards and parameters the Board wants to put in at certain points in time. Peraner-Sweet suggested discussing performance standards at a future meeting. Peraner-Sweet pointed out that if the developer wants to build the project with the proposed square feet, these improvements must be made. Peraner-Sweet stated that she did not consider this mitigation for the impact of the project on the Town or the impact on the environment.

Desrosiers stated that there has not been much discussion regarding Power Road/Route 110 which is an integral part of the whole mitigation package. Desrosiers stated that as part of the applicant's final EIR they need to have some kind of approach as to how they will fund those improvements.

Michelle Hillman, 34 Colonial Drive, pointed that the DEIR had some reduced build scenarios. Hillman questioned whether the connector road is needed.

Ed Enos, 55 Vine Brook Road, stated that he felt that this road was more marketing for this site and that they should be investing in it. Enos reminded the Board that this road only passed by three votes. Enos stated that if the developer is not going to do this right it should be revisited at Town Meeting and decide what to do with this road.

Peter Lash, Bear Hill Terrace, was upset with the process going on at this meeting. Lash believed that the discussion at last month's meeting was the size and scope of the project and that because of the long presentation by the applicant, the residents did not have an opportunity to respond. Lash also believed that the residents would be able to respond at this meeting. Lash was concerned that the applicant has made another long presentation tonight. Lash felt that it was a foregone conclusion that the scope of the project is what is moving forward. Lash was concerned that there have been no discussions regarding reducing the project, clustering building, or parking garages to increase green space. Lash stated that the Town is not committed to the size of the project. Lash asked what has happened in the last four weeks.

Fletcher stated that there will be a discussion regarding the project in the future. Shaffer reminded the audience that the Board is following a schedule. Fletcher stated that the Board is only looking at the phasing of the roadway at this meeting.

Bob Krankewicz, 15 Boston Road, asked for the setback from the DISCOM Building to the roadway. Greenhill stated that the setback was approximately 45 feet.

Peter Ewing, Old Homestead Road, pointed out that the residents do not know that the bypass road may not be built for a very long time. Ewing asked that the mitigation be paid before the construction. Ewing asked what the level of service is for Minot's Corner and whether that area has been included in the calculations. The Board responded that Minot's Corner is at level of service F. Shaffer stated that there is a different applicant that owes the Town improvements at Minot's Corner.

Ed Enos, 55 Vine Brook Road, asked what the developer predicted Minot's Corner to be when they proposed Tech Park East. Shaffer stated that the Board cannot hold the developer accountable for Minot's Corner. Shaffer stated that other developers have come in with other projects and the numbers are working out.

Al Nudler, Concord Road, asked what the levels of service would be on Route 110 after the build out. Hall stated that the levels of service will be in the B and C range.

Fainelli stated that they would be ready to discuss the lighting of the project and the size and scale of the buildings at the next meeting. Fletcher stated that the Board needs to make a decision as to which direction the Board is going, i.e., bypass road or Route 110 improvements. Continued to March 15, 2004 at 8:30 p.m.

MISCELLANEOUS:

Chestnut Hills – Additional Bond Release Request – Peraner-Sweet suggested forwarding the letter from Davis, Malm & D'Agostine dated February 10, 2004 to Town Counsel alerting them that litigation may be filed in this matter. **It was moved by Shaffer, seconded by Peraner-Sweet, and VOTED UNANIMOUSLY, that the Planning Board not grant the request for bond reduction for Chestnut Hills Estate in the request dated February 10, 2004, based upon the fact that they have not completed the work; based upon a Staff report here tonight; and their failure to comply with the Town of Westford's Rules and Regulations.**

MINUTES

It was moved by Green, seconded by Shaffer, and VOTED 4 IN FAVOR WITH 1 ABSTAINING (Peraner-Sweet), to approve the minutes of February 23, 2004, as amended.

It was moved by Green, seconded by Palmer, and VOTED 3 IN FAVOR WITH 1 RECUSAL (Shaffer) and 1 ABSTAINING (Peraner-Sweet), to approve the Executive Session minutes of February 23, 2004, but not for publication at this time.

MAILBOX

Request for Change of Name from Meadowsweet to Casie Lane on Hitchin' Post Greens II. Shaffer asked if any of the homes have been occupied. Peraner-Sweet indicated that the homes are occupied with the address of Casie Lane according to the transactions. Shaffer asked for information regarding what the Fire Department was told and how they are responding. Shaffer pointed out that the Planning Board was not properly notified of the name change and asked if the Fire Department was properly notified. Greenhill stated that the Fire Department and Building Department are aware of the name change.

Request for Information for OHC dated February 23, 2004 – Greenhill reported that a second request for information was made to OHC. Greenhill spoke to OHC recently and was told that they are working on providing the information. Greenhill stated that there may be another drainage outlet on the site that was not previously noticed. Shaffer noted that the developer indicated that there were only a certain number of locations that the drainage outlets had been installed. Shaffer asked to see the plans for all of the lots.

Letter from ZBA dated February 25, 2004 regarding Keyes Corner – Peraner-Sweet asked that ZBA be notified that they should not assume that the Planning Board has no comment and they should provide plans to the Board if they wanted comments. Shaffer suggested asking ZBA to extend this project so that the Planning Board can comment after review of the plans. Greenhill will ask for an extension. Shaffer asked Greenhill to send the plans to the Planning Board as soon as possible.

Letter from Balas, Alphen and Santos dated February 25, 2004 regarding Hitchin' Post Greens I and II – Peraner-Sweet asked for a clarification of the letter. Fletcher believed the letter referred to the joint meeting with the Planning Board and the Board of Selectmen. Fletcher stated that the Planning Board indicated at the meeting that the roadway was under the Selectmen's jurisdiction. Palmer stated that the Board discussed two options. The first option was to eliminate the cul-de-sac and the other option was to install signage and barriers.

Letter from Town Counsel regarding Barrister Drive – Peraner-Sweet stated that Town Counsel seems to tell the Planning Board that the developer of Lot 5 is responsible for ensuring that the current drainage is in place and that it works based upon the covenant that ran with the original subdivision plan. Peraner-Sweet stated that a discussion needs to take place with the developer of Lot 5 and that he needs to take care of the drainage issue.

Master Plan Project – Khumalo reported that the Town Manager has recommended deferring the \$50,000 appropriation at Fall Town Meeting. Fletcher stated that the Master Plan Committee would like some level of comfort that the project will move forward. Shaffer referenced the Commonwealth Capital memo from the Northern Middlesex Council of Governments. Shaffer wanted the Selectmen and Town Manager to be aware that if the money is spent it can come back to the Town in other ways.

ADJOURNMENT

It was moved by Peraner-Sweet, seconded by Shaffer, and VOTED UNANIMOUSLY, to adjourn the meeting.